

Metcalf.	Stephens.
Morse.	Stevenson.
Mosely.	Storey.
Negley.	Strong.
Nicholson.	Tarwater.
O'Neill.	Thurmond.
Patterson.	Turner.
Pavlica.	Veatch.
Pope of Jones.	Wallace.
Quinn.	Walters.
Ray.	Warwick.
Reid.	Webb.
Rountree.	White.
Sanders.	Williams
Shaver.	of Sabine.
Shelton.	Williams
Shipman.	of Travis.
Simmons.	Woodall.
Sinks.	Woodruff.
Speck.	Young.

Nays—9.

Eickenroht.	Palmer.
Justiss.	Pool.
Kemble.	Snelgrove.
McCombs.	Van Zandt.
Mullally.	

Present—Not Voting.

Hubbard.

Absent.

Ackerman.	Moore.
Anderson.	Murphy.
Baldwin.	Olsen.
Beck.	Petsch.
Bond.	Pope of Nueces.
Davis.	Prendergast.
Duvall.	Purl.
Enderby.	Reader.
Hardy.	Renfro.
Holder.	Savage.
Jones.	Sherrill.
Kayton.	Thompson.
Keller.	Tillotson.
Kenyon.	Waddell.
Mehl.	Westbrook.
Minor.	Wiggs.
Montgomery.	

Absent—Excused.

Acker.	Richardson.
Cox of Lamar.	Rogers.
Finn.	Smith.
Fuchs.	Williams
Heaton.	of Hardin.
Kinnear.	

The House accordingly, at 4:20 o'clock p. m., took recess to 9:30 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills, as follows:

Municipal and Private Corporations: Senate bills Nos. 90, 91 and 275.

School Districts: House bill No. 229.

Appropriations: Senate bill No. 238.

Game and Fisheries: House bills Nos. 413 and 482.

State Affairs: Senate bills Nos. 75, 279, 281, 47 and 72.

Insurance: House bills Nos. 478, 54 and 86.

State Eleemosynary and Reformatory Institutions: House bill No. 50.

Education: Senate bill No. 71.

Highways and Motor Traffic: House bills Nos. 181 and 523.

Conservation and Reclamation: Senate bill No. 159.

Public Health: Senate bill No. 126.

The Committee on Constitutional Amendments filed an adverse report on House joint resolution No. 10.

EIGHTEENTH DAY.

(Continued.)

(Saturday, February 2, 1929.)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Barron.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Maynard:

H. B. No. 554, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring or killing of any wild deer, buck, doe or fawn within the limits of the county of Bastrop, State of Texas, for a period of five years from and after the passage of this act."

Referred to Committee on Game and Fisheries.

By Mr. Baker:

H. B. No. 555, A bill to be entitled "An Act fixing the bag limit on doves and quail in Wood county, declaring

the violation of such law to be a misdemeanor."

Referred to Committee on Game and Fisheries.

By Mr. Hopkins:

H. B. No. 556, A bill to be entitled "An Act amending subdivision 25 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, providing for changing and prescribing terms and times of holding courts in the Twenty-fifth Judicial District of Texas."

Referred to Committee on Judicial Districts.

By Mr. Graves of Erath:

H. B. No. 557, A bill to be entitled "An Act to amend Chapter 78 of the Local and Special Laws enacted by the Thirty-sixth Legislature at its Regular Session in 1919, same being a special road law for Erath county, as same is amended by Chapter 123, Special Laws of the Fortieth Legislature at its Regular Session in 1927, by changing the date in Section 2a therein from March 1, 1927, to January 1, 1929."

Referred to Committee on Highways and Motor Traffic.

By Mr. Pope of Nueces:

H. B. No. 558, A bill to be entitled "An Act to amend subdivision (f) of Article 911a of Title 25 of the 1925 Revised Civil Statutes of the State of Texas, changing the regulation of motor bus transportation from the Railroad Commission of Texas to the Board of Highway Commissioners of the State of Texas."

Referred to Committee on Common Carriers.

By Mr. Petsch:

H. B. No. 559, A bill to be entitled "An Act to amend Article 3888, Revised Civil Statutes, 1925, so as to provide for the payment of the ex-officio county superintendent's salary out of the available school fund of the county."

Referred to Committee on Education.

By Mr. Lemens, Mr. Petsch, Mr. Adkins and Mr. Long of Wichita:

H. B. No. 560, A bill to be entitled "An Act to amend Article 11 of the Code of Criminal Procedure, so as to permit defendants in felony cases to waive trial by jury and to provide in such cases for trial by the judge without a jury."

Referred to Committee on Criminal Jurisprudence.

By Mr. Holder and Mr. Purl:

H. B. No. 561, A bill to be entitled "An Act to amend Article 2676 of the Revised Civil Statutes of Texas, so as to provide that there shall be in each county seven (7) school trustees, three (3) of whom shall be elected at large by the qualified voters of the county and one (1) to be elected from each commissioner's precinct by the qualified voters thereof."

Referred to Committee on Education.

By Mr. Webb:

H. B. No. 562, A bill to be entitled "An Act creating a more efficient road system for Jeff Davis county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts."

Referred to Committee on Highways and Motor Traffic.

By Mr. Cox of Limestone:

H. B. No. 563, A bill to be entitled "An Act amending Article 923pp by providing that it shall be lawful to kill, take and have in possession any fur-bearing animal except a fox within Limestone county during the open season, and providing that it shall be legal to kill, take and have in possession within Limestone county rabbits at any time."

Referred to Committee on Game and Fisheries.

By Mr. Tillotson, Mr. McGill, Mr. Bradley, Mr. Young, Mr. Minor and Mr. Shaver:

H. B. No. 564, A bill to be entitled "An Act making better provision for the regulation of the sale and dealings in stocks, bonds and securities in this State, including any share, stock, treasury stock, stock certificate under a voting trust agreement, collateral trust certificate, pre-organization certificate or receipt, subscription or reorganization certificate, note, bond, debenture, mortgage, certificate or other evidence of indebtedness, any form of commercial paper, certificate in or under a profit-sharing or participation agreement, certificate of interest in or under an oil, gas or mining lease or title, or any certificate or instrument representing or secured by any interest in any or all of the capital, property, assets, profits or earnings of any company, investment contract or any other instrument commonly known as a security, whether similar to those herein referred to or

not, and providing for the registration of certain persons and companies dealing in securities; this act being a blue sky law superseding the present blue sky law of this State."

Referred to Judiciary Committee.

By Mr. Kincaid:

H. B. No. 565, A bill to be entitled "An Act to levy and collect annually a three-dollar road tax against all able-bodied male citizens of Foard county, Texas, who are between the ages of twenty-one and forty-five years; providing the manner of assessment and collection of said tax, and repealing all laws in conflict therewith, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Kenyon:

H. B. No. 566, A bill to be entitled "An Act to be known as Article 3883b of the Revised Civil Statutes, enacted by the Legislature of 1925, fixing the compensation for sheriffs in counties containing more than 75,000 inhabitants, in which there is a city of 50,000 inhabitants or over, and providing that the compensation fixed for sheriffs shall be exclusive of any rewards received for the apprehension of criminals or fugitives from justice."

Referred to Judiciary Committee.

By Mr. Young and Mr. Turner:

H. B. No. 567, A bill to be entitled "An Act providing for the centralization of the Texas prison system; increasing the duties, powers and functions of the Texas Prison Board."

Referred to Committee on Penitentiaries.

By Mr. Hines, Mr. Harper and Mr. Simmons:

H. B. No. 568, A bill to be entitled "An Act making it unlawful to shoot at or kill any wild turkey in Cass, Bowie, Morris, Titus, Red River, Marion and Harrison counties."

Referred to Committee on Game and Fisheries.

By Mr. Quinn:

H. B. No. 569, A bill to be entitled "An Act amending Article 6371, Revised Civil Statutes of Texas of 1925, to give cities and towns the power to prohibit the blowing of locomotive whistles within the corporate limits of such cities and towns or to prescribe any

reasonable regulations with reference thereto."

Referred to Committee on Common Carriers.

HOUSE JOINT RESOLUTION ON FIRST READING.

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the Committee on Constitutional Amendments:

By Mr. Holder:

H. J. R. No. 17, To amend Article 7 of the Constitution of the State of Texas, by adding thereto Section 3b, authorizing the county commissioners court to levy a school tax not to exceed twenty cents (20c) on the one hundred dollars (\$100) valuation on all property for equalizing educational opportunities for all of the children of the county.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 150, to the Committee on Public Lands and Buildings.

Senate bill No. 54, to the Committee on Privileges, Suffrage and Elections.

Senate bill No. 356, to the Judiciary Committee.

Senate bill No. 293, to the Committee on Education.

HOUSE BILL NO. 10 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 10, A bill to be entitled "An Act authorizing the creation of junior college districts; embracing the territory; fixing the assessed valuation; providing for the calling of an election; the management and control of the junior college; number of trustees, how they should be elected; term of office; providing for the trustees to make affidavits before entering upon their duties."

The bill was read second time.

On motion of Mr. Cox of Navarro, by unanimous consent, further consideration of the bill was postponed until next Tuesday.

HOUSE BILL NO. 88 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment.

H. B. No. 88, A bill to be entitled "An Act regulating the slaughter and sale of the meat of animals for market and providing that every person engaged in the occupation of a butcher or slaughterer of cattle in this State shall file a bond, to be approved by the county judge of the county in which he desires to carry on such business, setting out the terms of said bond, and providing penalties for violation thereof."

The bill was read second time.

Mr. Metcalfe offered the following (committee) amendments to the bill:

Amend the caption by striking out the word "cattle" in the third line and inserting in lieu thereof the following, "live stock, except hogs."

Amend Section 1 by adding after the word "animals" wherever it appears the following, "except hogs."

Amend Section 2 by adding after the word "animals" wherever it appears the following, "except hogs."

Amend Section 3 in the last paragraph thereof by adding after the word "animals" wherever it may appear the following, "except hogs."

Amend Section 4 by adding after the word "animals" wherever it may appear the following, "except hogs."

Amend Section 5 by adding after the word "animals" wherever it may appear the following, "except hogs."

Amend Section 6 by adding after the word "animals" wherever it may appear the following, "except hogs."

The amendments were severally adopted.

Mr. Metcalfe offered the following (committee) amendment to the bill:

Amend House bill No. 88 by adding, after Section 9, the following:

"Sec. 9a. The provisions of this act shall not apply in the counties of Victoria, Lavaca, Calhoun, Karnes, Wilson, DeWitt, Refugio, Goliad, Angelina, Tyler and Hopkins, and said counties are hereby exempted from the provisions of this bill."

On motion of Mr. Metcalfe, by unanimous consent, further consideration of the bill was postponed until next Tuesday.

RECALLING SENATE JOINT RESOLUTION NO. 7 FROM THE
HOUSE.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 16, Recalling Senate joint resolution No. 7 from the House.

Whereas, Senate joint resolution No. 7 has passed the Senate and been sent to the House; and

Whereas, It is necessary that such resolution be recalled from the House in order that certain corrections may be made; therefore, be it

Resolved, That the Senate recall joint resolution No. 7 from the House.

The resolution was read second time and was adopted.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 1, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 65, A bill to be entitled "An Act to amend Article 3887 of the Revised Civil Statutes of 1925, relating to the fees of the county attorney in any county having a population in excess of 100,000 inhabitants where there is no district attorney, so as to include any county having less than 100,000 inhabitants, but containing a city with a population in excess of 44,000 inhabitants where there is no district attorney; providing a maximum compensation payable to him out of the fees collected by such county attorney, authorizing reimbursement out of fees collected for certain expenses and authorizing the employment by such county attorney of assistants, investigators and stenographers, fixing their salaries and providing a method of payment thereof, and providing that such county attorney may collect fees for services rendered in corporation courts and specifying such fees, and declaring an emergency."

S. B. No. 137, A bill to be entitled "An Act to prevent any person from receiving, possessing, owning or having under his control or management in this State any bomb, machine gun, infernal machine designed to destroy human life or cause bodily injury, or any machine or instrumentality con-

taining explosives designed to destroy human life or cause bodily injury, and which is not reasonably designed or suitable for any useful purpose, and declaring an emergency."

S. C. R. No. 16, Requesting the House to return Senate joint resolution No. 7 to the Senate for further consideration.

Respectfully,

MORRIS C. HANKINS.

Assistant Secretary of the Senate.

HOUSE BILL NO. 92. ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 92, A bill to be entitled "An Act making it lawful for the commissioners courts of Clay, Archer, Baylor and Young counties to pay out of the general fund of such counties bounties for the destruction of predatory animals."

The bill was read second time.

On motion of Mr. Sherrill, by unanimous consent, further consideration of the bill was postponed until next Tuesday.

HOUSE BILL NO. 105 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 105, A bill to be entitled "An Act creating the 110th Judicial District and reorganizing and prescribing the time for holding court in the Fiftieth Judicial District, the Sixty-fourth Judicial District and the Seventy-second Judicial District, and providing that the process heretofore issued in said districts shall be returnable to the proper terms created by this act."

The bill was read second time.

On motion of Mr. Land, the bill was laid on the table subject to call.

HOUSE BILL NO. 115 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 115, A bill to be entitled "An Act to amend Article 9231, Revised Criminal Statutes of 1925, and to amend House bill No. 73, Chapter 45, Acts of the First Called Session of the Fortieth Legislature, so as to make it unlawful to hunt, kill or take possession of any wild squirrel or squirrels

in Hardin county during the months of January, February, March, April, August and September."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 118 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 118, A bill to be entitled "An Act to amend Article 880, Revised Criminal Statutes of 1925, as amended by Chapter 24, Acts of the First Called Session of the Thirty-ninth Legislature, so as to make it unlawful to hunt wild deer with dogs in Hardin and Liberty counties."

The bill was read second time.

Mr. Shaver offered the following amendments to the bill:

Amend House bill No. 118, line 4, by inserting the following names after "Liberty," "Walker, San Jacinto, Madison, Leon, Wharton."

Amend House bill No. 118, Section 1, line 19, by striking out the words "Madison, Walker, San Jacinto, Leon and Wharton."

The amendments were severally adopted.

House bill No. 118 was then passed to engrossment.

HOUSE BILL NO. 122 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 122, A bill to be entitled "An Act to amend Article 4142, Chapter 4, Title 69, of the Revised Statutes of Texas of 1925, so as to provide that the county judge may, in his discretion, require a guardian of an estate to give bond with one or more corporations authorized to execute surety bonds in this State as surety, in such amount as may be fixed by the judge, and providing for guardian bonds with two or more good and sufficient sureties, to be approved by county judges."

The bill was read second time.

Mr. Johnson of Dimmit offered the following (committee) amendments to the bill:

Amend House bill No. 122 by striking out all above and below the enacting clause and insert in lieu thereof the following:

A bill to be entitled "An Act to amend Article 4142, Chapter 4, Title 69,

of the Revised Statutes of Texas of 1925, so as to provide that the county judge may, in his discretion, require a guardian of an estate to give bond with one or more corporations authorized to execute surety bonds in this State as surety, in such amount as may be fixed by the judge, and providing for guardian bonds with two or more good and sufficient sureties to be approved by the county judge; and to amend Article 4143, same chapter and title, so as to provide that the county judge may direct payment of a bond premium on a guardian's bond out of the ward's estate, and that such premiums shall be paid by the guardian unless otherwise directed by the county judge; and amending Article 4148, same chapter and title, so as to provide that county judge shall have power and authority to decrease the amount of guardian's bond upon submission of proof that a smaller bond would be adequate to meet legal requirements and to protect the ward's estate; and providing for requiring new bonds of guardians; and amending Article 4233, Chapter 10, Title 69, of said Statutes, so as to provide for removal of guardians of estates without notice when whereabouts of guardian are unknown; and providing for removal when failure to return within thirty days inventory and list of property, when they fail to give new bond within time required, and when they have removed from State; and amending Article 4234, Chapter 10, Title 69, of said Statutes, so as to provide for removal of guardian after citation, for gross neglect or mismanagement or when he becomes of unsound mind, or an habitual drunkard, or sentenced to imprisonment for a term of years, or when, if he be a guardian of the person, he is cruel to or neglects said ward; and providing for removal when he fails to return any account as required by law, or fails to obey any proper order of the court or judge, or when there is good cause to believe he has misapplied, embezzled or removed from the State, or is about to misapply, embezzle or remove from the State, said estate or any part thereof; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 4142, Chapter 4, Title 69, of the Revised Statutes of Texas of 1925, be and the same is hereby amended so as to hereafter read as follows:

"Article 4142. Sureties.—Any bond required by the provisions of this chapter to be given by a guardian shall be subscribed by such guardian and at least two good and sufficient sureties, to be approved by the county judge of the county in which the guardianship is pending; or such bond shall be subscribed by such guardian and by one or more corporations authorized to execute surety bonds; provided, that the county judge may, if in his opinion it would be to the best interests of the estate so to do, require the guardian of the estate to give a bond with one or more corporations authorized to execute surety bonds in this State as surety."

Sec. 2. That Article 4143, Chapter 4, Title 69, of the Revised Statutes of Texas of 1925, be and the same is hereby amended so as to hereafter read as follows:

"Article 4143. Bond Premiums.—If such bond is made by a corporation authorized to issue and execute guaranty or indemnity bonds, the premium on such bonds shall be paid by the guardian and shall not be paid out of the estate of his ward, unless the county judge shall otherwise direct."

Sec. 3. That Article 4148, Chapter 4, Title 69, of the Revised Statutes of Texas of 1925, be and the same is hereby amended so as to hereafter read as follows:

"Article 4148. New Bond.—The county judge shall have power to require new bonds of guardians in any case where he has the power to require new bonds of executors or administrators and under the same rules and regulations and with like effect. The county judge shall also have power and authority to decrease the amount of any guardian's bond upon the submission of proof that a smaller bond than the one in effect would be adequate to meet the requirements of the law and protect the estate of the ward."

Sec. 4. That Article 4233, Chapter 10, Title 69, of the Revised Statutes of Texas of 1925, be and the same is hereby amended so as to hereafter read as follows:

"Article 4233. Removal Without Notice.—Guardians shall be removed in the following cases, without notice, at a regular term of the court:

"1. When they fail to return, within thirty days after qualification, an inventory and list of claims of the property of the estate which has come to their knowledge.

"2. When they have been required

to give a new bond, and fail to do so within the time prescribed.

"3. When they have removed from the State.

"4. When notices or other process of the court cannot be served upon them on account of their whereabouts being unknown."

Sec. 5. That Article 4234, Chapter 10, Title 69, of the Revised Statutes of Texas of 1925, be and the same is hereby amended so as to hereafter read as follows:

"Article 4234. Removal After Citation.—A guardian may be removed by the court of its own motion or on a motion of any person interested in the ward, or his estate, after being cited to answer:

"1. When he fails to return any account which is required by any provision of this title.

"2. When he fails to obey any proper order of the court or judge.

"3. When there is good cause to believe that he has misapplied, embezzled or removed, or is about to misapply, embezzle or remove, from the State the property committed to his charge, or any part thereof.

"4. When he is proved to have been guilty of gross neglect or mismanagement in the performance of any of his duties as guardian.

"5. When he becomes of unsound mind, or becomes an habitual drunkard, or is sentenced to imprisonment for a term of years.

"6. When, if he be the guardian of the person, he cruelly treats the ward or neglects to educate and maintain the ward as liberally as the means of such ward and the circumstances of the case demand."

Sec. 6. The fact that there is now no law providing for the removal of guardians who have become of unsound mind, who are drunkards, or who have been sentenced to imprisonment, or who cruelly treat the ward, or who neglect to educate the ward, or whose whereabouts are unknown, and that there are no laws properly providing for guardians' bonds and the increase and decrease of such bonds, creates an emergency and public necessity requiring that the constitutional rule providing that bills be read on three several days be suspended and that this act be in force and effect from and after its passage, and it is so enacted.

Mr. Johnson of Dimmit offered the following amendment to the (committee) amendment:

Amend House bill No. 122 by striking out the word "not" in line 38, Section 2, page 5.

The amendment to the amendment was adopted.

The (committee) amendment as amended was then adopted.

House bill No. 122 was then passed to engrossment.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

S. B. No. 85, "An Act creating the 110th Judicial District and reorganizing and prescribing the time for holding court in the Fiftieth Judicial District, the Sixty-fourth Judicial District and the Seventy-second Judicial District, and providing that the process heretofore issued in said districts shall be returnable to the proper terms created by this act, and papers issuing out of said court; and providing all matters and things necessary and incidental to the main purpose of this act; and declaring an emergency."

S. B. No. 172, "An Act to amend Articles 2461, 2462, 2463, 2465, 2466 and 2477 of subdivision 1 of Title 46 of the Revised Civil Statutes of the State of Texas, 1925, relative to rural credit unions, and declaring an emergency."

S. B. No. 186, "An Act authorizing incorporated cities having less than 100,000 population according to the last United States census and a city of more than 43,000 inhabitants according to said census, to dispose of property which has been designated for public park purposes and which has never been used for that purpose on account of being unsuitable; prescribing regulations to accomplish said purpose; and declaring an emergency."

S. B. No. 83, "An Act abolishing the office of Game, Fish and Oyster Commissioner and creating the Game, Fish and Oyster Commission; vesting all of the authority, powers and functions of said commissioner in the Game, Fish and Oyster Commission created and provided for in this act; providing for the appointment, compensation, bond, duties and functions of said Game, Fish and Oyster Commission; providing for an executive secretary and assistant executive secretary, to be appointed by the commission, and providing for all the necessary game and fish wardens, division heads and other employees of said Game, Fish and Oyster Commission;

changing the laws of the State of Texas in such respects as shall be necessary in order to carry out the purposes of this act; enacting the necessary matters and things incidental to the purpose and subject of this act; making the necessary appropriation out of the State Treasury; providing when this act shall take effect, declaring the rule of construction, repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

EXTENDING PRIVILEGES OF THE FLOOR TO OKLAHOMA MEMBERS.

Mr. Storey offered the following resolution:

Whereas, There is in the reception room of the House the committee of members from the Legislature of the State of Oklahoma, sent here by the Legislature of that State, to try to adjust with the Legislature of this State certain matters pertaining to the boundary line between the State of Texas and the State of Oklahoma; therefore, be it

Resolved, That said delegation be invited to the bar of the House and be introduced to the House, and all courtesies due a visitor from another State and Legislature be extended to them.

Signed—Storey, Young, Land, White, Warwick.

The resolution was read second time and was adopted.

In accordance with the resolution, Speaker Barron appointed Messrs. Storey, Young, Land, White and Warwick as a committee to escort the visitors to the Speaker's stand.

The visitors having been escorted to the Speaker's stand, Speaker Barron presented Hon. Cecil Storey, who introduced the Speaker of the House of Representatives of Oklahoma, Hon. Jim Nance, to the House.

Hon. Jim Nance then addressed the House.

SPECIAL PAGE APPOINTED.

The Speaker announced the appointment of John Samuel Wallace as honorary page to the Speaker, to serve without pay.

HOUSE BILL NO. 153 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 153, A bill to be entitled "An Act authorizing the creation of corporations for the purpose of compiling and of acquiring and owning abstract plants in this or any other State, and to compile and sell abstracts of titles therefrom and to insure the title to lands and interest therein and liens thereon, and authorizing such corporations to accumulate and lend money, to deal in securities, and to act as trustee, receiver, executor, administrator and guardian."

The bill was read second time.

Mr. Williams of Travis offered the following (committee) amendments to the bill:

That Section 1, subdivision 3, of the bill be amended by striking out the language in the latter part thereof reading as follows, "and without power to guarantee payment of securities sold or handled by it, any corporation, domestic or foreign, guaranteeing the payment of any mortgage notes shall thereupon lose its permit to do business of any kind in Texas."

That Section 2 be amended by adding at the end thereof the following, "provided that this section shall not apply to corporations heretofore organized and operating, if such corporation has its domicile in a county of less than 10,000 inhabitants as shown by the United States census of 1920, and shall have a capital stock of at least \$25,000, and shall confine its writing of title policies to property located in the county of its domicile."

That Section 3 be amended so as to omit from the first sentence thereof the following language, "which premiums must be the same for underwriting contracts as for policies."

Amend the bill by adding a new section to be known as Section 3-A. "Corporations, domestic or foreign, operating under this act or under Title 78, Chapter 18, Revised Statutes, 1925, or any other law of this State, shall not have the right to guarantee the payment of mortgages which cover real estate in Texas, and if any such corporation shall do so it shall forthwith forfeit and surrender its permit to do business."

That Section 5 of the bill be amended to read as follows:

"Sec. 5. Any foreign or domestic corporation issuing any form of policy or underwriting contracts or charging any premium rates to the public on either owners' or mortgagees' certificates or underwriting contracts on Texas properties other than forms and

rates prescribed by the Board of Insurance Commissioners, hereunder, shall forfeit its right to do business in Texas; but this shall not be construed as intended to require the charge made by one title insurance company, qualified to do business under this act and doing a general title insurance business for the public in this State, for re-insuring or underwriting all or any part of the business of another such company, to be the same as the charge to the public."

That Section 21 be amended by striking out the words "a complete" and substituting in lieu thereof the word "an."

The amendments were severally adopted.

Mr. Jenkins offered the following amendment to the bill:

Amend the bill by striking out subdivisions 3 and 4 of House bill No. 153.

On motion of Mr. Sinks, further consideration of the bill was postponed and the bill was set as a special order for 10 o'clock a. m. next Tuesday.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 1, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 354, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State for the several institutions and departments of the State government, as named herein, for the balance of the fiscal year ending August 31, 1929, and declaring an emergency," with amendment.

Respectfully,
MORRIS C. HANKINS,
Assistant Secretary of the Senate.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Van Zandt, House bill No. 552 was ordered not printed.

On motion of Mr. Sinks, House bill No. 481 was ordered not printed.

On motion of Mr. Kincaid, House bill No. 450 was ordered not printed.

On motion of Mr. Minor, by unanimous consent, Senate bill No. 356 was ordered not printed.

HOUSE BILL NO. 163 ON SECOND READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 163, A bill to be entitled "An Act amending Article 2094 of the Revised Civil Statutes of 1925, relating to the selection of jurors for service in the district and county courts, so as to make said article apply in any county having a population of at least 58,000, or having therein a city containing a population of at least 20,000, as shown by the preceding Federal census."

The bill was read second time and was passed to engrossment.

SENATE BILL NO. 278 ON SECOND READING.

(By Unanimous Consent.)

On motion of Mr. Keller, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading,

S. B. No. 278, A bill to be entitled "An Act providing for the creation of a county police force in all counties having 210,000 population or more according to the last United States census, whose duty it shall be to patrol that part of the county lying outside of the corporate limits of the county seat; to better provide for the enforcement of the law in said counties by providing for additional enforcement officers; prescribing the manner of appointment of the members of such county police force, their duties and compensation; and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Keller offered the following amendment to the bill:

Amend Senate bill No. 278 below the enacting clause in Section 3 by adding between the words "promulgated by the" and "commissioners court," same being immediately before the words "commissioners court," the second time it appears in Section 3, the words "sheriff in conjunction with the."

The amendment was adopted.

Senate bill No. 278 was then passed to third reading.

HOUSE BILL NO. 213 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 213, A bill to be entitled "An Act amending Section 1 of Chapter 22 of the Acts of the Fortieth Legislature, First Called Session, by changing the term and time of holding district court in the county of Cochran, in the Seventy-second Judicial District of Texas; and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 251 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 251, A bill to be entitled "An Act to amend Article 941a, of the Penal Code of Texas of 1925, so as to cover Dimmit, Zavala, Medina and Uvalde counties, and permit the taking or catching of suckers, buffalo, carp, shad and gar at any time in any fresh water rivers, creeks or lakes in the counties of Burnet, Williamson and Lampasas, Dimmit, Zavala, Medina and Uvalde, with a seine or net with not less than a four-inch mesh," etc.

The bill was read second time.

RECESS.

On motion of Mr. Wallace, the House, at 12:05 o'clock p. m., took recess to 1:30 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 1:30 o'clock p. m., and was called to order by Speaker Barron.

HOUSE BILL NO. 251 ON PASSAGE TO ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 251, relating to catching fish in certain counties, the bill having heretofore been read second time.

Mr. Johnson of Dimmit offered the following amendment to the bill:

Amend the bill by adding the following counties after the word "Uvalde" wherever it appears: "DeWitt, Hamilton, Gonzales, Bell, Cooke, Hopkins, Jefferson, Mitchell, Chambers, Hardin, Brown, Coryell, Lamar, Collin, Denton, Franklin, Orange, Fisher, Travis, Fannin, Grayson, Delta, Nolan."

The amendment was adopted.

House bill No. 251 was then passed to engrossment.

HOUSE BILL NO. 231 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment.

H. B. No. 231, A bill to be entitled "An Act amending Chapter 255 of the Acts of the Fortieth Legislature at its Regular Session, by providing that the counties of Dawson and Howard shall be a part of the Eleventh Supreme Judicial District and removing said counties from the Eighth Supreme Judicial District, and providing for the appeal of cases from Dawson and Howard counties to the Court of Civil Appeals for the Eighth Supreme Judicial District prior to September 1, 1929, and for the appeal of cases from Dawson and Howard counties to the Court of Civil Appeals for the Eleventh Supreme Judicial District subsequent to September 1, 1929."

The bill was read second time.

Mr. Reid offered the following amendments to the bill:

Amend House bill No. 231, page 1, line 9, line 12 and line 15, by adding the word "Borden" after the word "Dawson" wherever it occurs in said lines in caption of said bill.

Amend House bill No. 231, Section 1, page 2, line 16, by striking out the word "Borden."

Amend House bill No. 231, Section 1, page 2, line 29, by adding after the word "Palo Pinto" the word "Borden."

Amend House bill No. 231, Section 2, page 2, line 30, by inserting the word "Borden" immediately preceding the word "Dawson" on said line.

The amendments were severally adopted.

House bill No. 231 was then passed to engrossment.

HOUSE BILL NO. 482 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 482, A bill to be entitled "An Act to amend Articles 879c and 879g, Chapter 215, of the General and Special Laws of the State of Texas, passed by the Fortieth Legislature."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 459 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 459, A bill to be entitled "An Act to create Hidalgo county water control and improvement district No. 6, in Hidalgo county, Texas; validating and approving all orders made by the commissioners court of said county in respect to the organization of said district; validating and approving the election held in said district on March 21, 1927, for the confirmation of the formation of said district and the issuance of fifty thousand dollars in preliminary bonds and the levy of a tax in payment thereof; validating and approving the election held within said district on August 21, 1927, for the issuance of bonds in an amount not to exceed one million, six hundred thousand dollars and levying of tax in payment thereof; evidencing proof of the publication of constitutional notice required in such cases; and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 358 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 358, A bill to be entitled "An Act to amend subdivision 38 of Article 199, Title 8, Revised Statutes of 1925, and providing for changing and prescribing terms and time for holding the courts in the counties comprising the Thirty-eighth Judicial District of Texas."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 473 ON SECOND READING.

On motion of Mr. Young, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 473, A bill to be entitled "An Act making an appropriation to pay the mileage and per diem of the presidential electors of Texas for the year 1929."

The Speaker laid the bill before the House, and it was read second time.

Mr. Young offered the following amendment to the bill:

Amend the bill by changing the appropriation from "\$3000" to "\$2000."

The amendment was adopted.

House bill No. 473 was then passed to engrossment.

HOUSE BILL NO. 267 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 267, A bill to be entitled "An Act amending Article 941a of the Penal Code of Texas, by striking out the counties of Erath and Hood, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 479 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 479, A bill to be entitled "An Act to create Hidalgo and Cameron counties water control and improvement district No. 9, in Hidalgo and Cameron counties, Texas, validating and approving all orders made by the Board of Water Engineers of the State of Texas in respect to the original organization of said district as a water control and improvement district under Section 59 of Article 16 of the Constitution of the State of Texas; validating an order passed by the board of directors of said district on the 12th day of December, 1927."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 413 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 413, A bill to be entitled "An Act to amend Chapter 193 of the General Laws of the Fortieth Legislature, page 275, to provide for and regulate the method of taking or catching fish in the public fresh waters of Marion, Cass, Bowie, Harrison, Smith and Rusk counties, State of Texas."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 248 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 248, A bill to be entitled "An Act to amend Article 879h, Chapter 215, of the General and Special Laws of the State of Texas, passed by

the Fortieth Legislature, and declaring an emergency."

The bill was read second time.

Mr. Johnson of Dimmit offered the following amendment to the bill:

That House bill No. 248 be amended by adding the following counties at the end of Section 1. "Travis, Dimmit, Zavala, Blanco, Lampasas, Hamilton, Coryell, Matagorda, Brazoria, Washington, Austin."

The amendment was adopted.

House bill No. 248 was then passed to engrossment.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 1, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 125. A bill to be entitled "An Act to grant power to either member of the Railroad Commission or any employee designated by the Railroad Commission of whatever nature to hold hearings and investigations and make a record thereof for the use and benefit of the Railroad Commission, the same as if the entire commission were present, and granting to such Commissioner or designated employee power to administer oaths, certify to official acts, compel the attendance of witnesses and the production of papers, waybills, books, accounts, and punish for contempt, providing for the introduction and consideration of said testimony by the commission, and declaring an emergency."

S. B. No. 127. A bill to be entitled "An Act regulating the practice of medicine: amending Article 4495, Revised Civil Statutes of 1925, so as to provide for the Texas State Board of Medical Examiners, and for the appointment of members of said board, and prescribing their terms of office; amending Article 4498, Revised Civil Statutes of 1925, and Article 739 of the Penal Code of Texas, as codified in 1925, so as to provide that it shall be unlawful for anyone to practice medicine, in any of its branches, upon human beings, within this State who has not registered in the district clerk's office of every county in which he may reside and in every county in which he may sojourn, and in each and every county in which he may maintain an office or may designate a place for meeting, advising with, treating in any man-

ner or prescribing for patients, his certificate evidencing his right to practice medicine, as issued to him by the Texas State Board of Medical Examiners, together with his age, postoffice address, place of birth, name of medical college from which he graduated and date of graduation, all subscribed and certified by oath, which, if willfully false, shall subject the affiant to conviction and punishment for false swearing, as provided by law; and so as to provide that the holder of every certificate must have the same recorded upon each change of residence, and in every county in which he may sojourn, as well as in each and every county in which he may maintain an office, or in which he may designate a place for meeting, advising with, treating in any manner or prescribing for patients, person from liability, criminal or civil, incurred by reason of the unlawful practice of medicine at any time prior to the passage of this act; and providing that if, after the passage of this act, any person shall be prosecuted for the unlawful practice of medicine, occurring before the act becomes effective, the case shall be governed in all respects by the law in force at the time the alleged criminal act was committed; and further providing that this act is intended to amend certain designated articles of the Revised Civil Statutes of 1925, and certain designated articles of the Penal Code of 1925, and providing that the articles thus amended shall be construed in connection with the other articles constituting a part of the same chapters of the Revised Civil Statutes and Penal Code in which the articles of the same number now appear; and providing that, if any section, sub-section, sentence, clause or phrase of this act is held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act, it being the intent of the Legislature that such remaining portions shall operate as a valid law; and declaring an emergency."

S. B. No. 141, A bill to be entitled "An Act to provide the manner of placing names of candidates on official ballots at special elections, making general election laws applicable to special elections except where otherwise provided; determining the order of names on ballots; making provision for the returns of special elections; issuing certificates of election; making said act apply only to special elections; providing the same shall be cumulative of ex-

isting laws and making provision for conflicts; and declaring an emergency."

S. B. No. 146, A bill to be entitled "An Act to amend Section 3 of Chapter 40 of the Fortieth Legislature, and to provide that the commissioners for the aid and assistance of the Court of Criminal Appeals of Texas shall hold office for a term of six years from their appointment, and providing for the filling of any vacancy; and declaring an emergency."

S. B. No. 175, A bill to be entitled "An Act to amend Article 602 of the Penal Code of the State of Texas, 1925, so as to make the offense of desertion of wife or child a felony, providing a penalty therefor; and declaring an emergency."

S. B. No. 173, A bill to be entitled "An Act to amend Article 1320 of the Revised Civil Statutes of Texas of 1925, so as to authorize every private corporation to increase or diminish by vote of its stockholders, cast as its by-laws may direct, the number of its directors or trustees, such number, however, to be not less than three; and declaring an emergency."

S. B. No. 179, A bill to be entitled "An Act to amend Article 4632, of Revised Civil Statutes of 1925, so as to better regulate the making of returns and canvassing the result in primary elections; and declaring an emergency."

S. B. No. 215, A bill to be entitled "An Act to amend Article 4612, of Chapter 4, of Title 75, of the Revised Civil Statutes, 1925, of the State of Texas, relating to the residence of plaintiffs in divorce suits, so as to extend the benefits of the divorce laws of the State of Texas to persons in the military and naval service of the United States, under certain circumstances; and declaring an emergency."

S. B. No. 285, A bill to be entitled "An Act amending Article 4584 of the Revised Civil Statutes of 1925, so as to repeal that portion of the law which prevents unclaimed dead bodies at certain eleemosynary institutions of this State from being turned over to the anatomical board of the State of Texas to be used in the advancement of medical science; the purpose of this act being to permit unclaimed dead bodies at certain State eleemosynary institutions to be used for such purposes, as provided in Chapter 13, of Title 71, of the Revised Civil Statutes of 1925; and declaring an emergency."

S. B. No. 297, A bill to be entitled "An Act amending Articles 4275 and

4276 of the Revised Civil Statutes of 1925, designating the securities in which the funds of life insurance companies may be invested; providing that if a domestic life insurance company re-insures the business and takes over the assets of a foreign life insurance company, the investments of such company so taken over and re-insured, if authorized, when made, by the laws of the State of its incorporation, shall be considered as valid securities of the domestic company so taking it over; providing that the provisions of this act shall not invalidate any investments heretofore made by a domestic life insurance company, if such investments were legally authorized when made; defining 'Texas securities'; and declaring an emergency."

S. B. No. 370, A bill to be entitled "An Act fixing the salary of the county commissioners of certain counties by providing for a salary of \$3600 to be paid the county commissioners of counties having an assessed valuation of \$44,502,489 according to the last approved roll filed in the office of the State Comptroller, repealing laws in conflict therewith; and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

PROVIDING FOR CHANGES IN CERTAIN BILLS.

The Engrossing Clerk, by unanimous consent of the House, was authorized to make the following corrections in House bills Nos. 109 and 213:

Add in House bill No. 109 "free" between the word "public" and "schools" in line 19.

Amend House bill No. 213, Section 1, line 4, by changing "27d" to "72nd," which is a typographical error.

RELATING TO HOUSE BILL NO. 251.

Mr. Brice moved to reconsider the vote by which House bill No. 251 was passed to engrossment.

The motion to reconsider prevailed.

Mr. Brice offered the following amendment to the bill:

Amend the bill by omitting the following counties, "Delta, Hopkins, Franklin and Houston."

The amendment was adopted.

House bill No. 251 was then passed to engrossment.

HOUSE BILL NO. 481 ON SECOND READING.

On motion of Mr. Sinks, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 481, A bill to be entitled "An Act to levy and collect annually a five-dollar road tax against all able-bodied male citizens of Lee county who are subject to road work under the general laws of this State, who are between the ages of twenty-one and forty-five years."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

HOUSE BILL NO. 125 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 125, A bill to be entitled "An Act to amend Article 2902, Revised Statutes, 1925, fixing the scholastic age of pupils in the public free schools, and repealing all laws," etc.

The bill was read second time, and further consideration of the bill was postponed until next Tuesday.

HOUSE BILL NO. 126 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 126, A bill to be entitled "An Act to amend Article 2889-A, Revised Statutes, 1929, relating to certification of teachers in the public free schools, repealing all laws in conflict therewith."

The bill was read second time, and by unanimous consent further consideration of the bill was postponed until next Tuesday.

HOUSE BILL NO. 458 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 458, A bill to be entitled "An Act to create La Feria water control and improvement district, Cameron county, number three (3), in Cameron county, Texas; validating and approving all orders made by the commissioners court of said county in respect to the original organization of said dis-

trict as a water improvement district under Article 3, Section 52, of the Constitution; validating and approving all orders made by the board of directors of said district converting said district to a conservation and reclamation district under Section 59 of Article 16 of the Constitution of the State of Texas; validating all assessments of taxes, the authorization, issuance and sale of bonds thereof, and providing for their payment and the issuance and sale of the bonds of said district, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said district; approving and validating all orders of the commissioners court of said county and of the board of directors of said district, bonds and taxes or certified copies thereof, and constituting all such orders and their record legal evidence; providing that proof of publication of constitutional notice required in the enactment of this act has been duly made; enacting provisions incident and necessary to the subject and purpose of this act; and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 135 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 135, A bill to be entitled "An Act amending Article 534 of the Penal Code of the State of Texas, making it a penal offense for any person to cause, encourage or contribute to the delinquency of any minor under the age of seventeen years."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 216 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 216, A bill to be entitled "An Act to validate all school districts created under Chapter 84 of the Acts of the First Called Session of the Fortieth Legislature in 1927, and particularly all independent school districts created under and by virtue of Section 5 of said act."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 142 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 142, A bill to be entitled "An Act to appropriate from the general revenue out of any funds not otherwise appropriated the sum of \$175,000, or so much thereof as may be necessary, to be applied to valid claims for the years 1927-1928; and the sum of \$200,000, or so much thereof as may be necessary, to supplement the appropriation for the years 1929-1930, to carry out the provisions of Chapter 36, General and Special Laws of the Fortieth Legislature."

The bill was read second time.

Mr. Graves of Erath offered the following amendment to the bill:

Amend House bill No. 142 by inserting between the words "the" and "Fortieth" in line 22, the words "First Called Session of the." Also add at the end of line 27 the words "First Called Session of the."

The amendment was adopted.

House bill No. 142 was then passed to engrossment.

HOUSE BILL NO. 26 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 26, A bill to be entitled "An Act making it unlawful for the fraudulent taking of cotton and cotton seed under the value of fifty (\$50) dollars; making the first offense a misdemeanor and the second and subsequent offenses a felony; and prescribing punishment therefor; and declaring an emergency."

The bill was read second time.

Mr. Barnett offered the following (committee) amendment to the bill:

Strike out Section 1 and insert in lieu thereof the following:

"Section 1. Whoever shall fraudulently take cotton and cotton seed or either cotton or cotton seed under the value of fifty (\$50) dollars shall, upon conviction, for the first offense be fined not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars and by confinement in the county jail not less than thirty (30) days nor more than six (6) months; and for the second and subsequent offenses he shall be punished by confinement in the peniten-

tiary not less than one year nor more than five years."

The amendment was adopted.

House bill No. 26 was then passed to engrossment.

HOUSE BILL NO. 56 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 56, A bill to be entitled "An Act to provide for the taking of testimony of a witness or witnesses in this State, either on written interrogatories or by oral deposition, or any mandate, writ or commission issued out of any court of record in any other State, Territory, district or foreign jurisdiction; and declaring an emergency."

The bill was read second time and was passed to engrossment.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 2, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. C. R. No. 17, Providing for a joint session of House and Senate at 3 p. m. today for the purpose of hearing the members of the committee of the Legislature of the State of Oklahoma.

Respectfully,

MORRIS C. HANKINS,
Assistant Secretary of the Senate.

PROVIDING FOR JOINT SESSION TO HEAR REPORT OF COMMITTEE ON BOUNDARY LINE.

The Speaker laid before the House, by unanimous consent, for consideration at this time, the following resolution:

S. C. R. No. 17, Providing for joint session.

Whereas, The Legislature of Texas is honored by the presence of a committee of the Senate and a committee of the House of Representatives of the State of Oklahoma, who wish to confer with the Legislature of Texas concerning the western boundary line of Oklahoma and the eastern boundary line of the State of Texas; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That a joint session of the House and Senate be had at 3 p. m. today for the purpose of

hearing the members of the committee of the Senate and the House of Representatives of the State of Oklahoma.

The resolution was read second time and was adopted.

HOUSE BILL NO. 180 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 180, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of 1925, as amended by Chapter 11 and Chapter 200, Acts of the Regular Session of the Fortieth Legislature, by adding to said Article 1302 a new subdivision to be known as subdivision 91, providing for incorporation, for the establishment, support and maintenance of automobile clubs for the mutual benefit and protection of automobile operators with power to acquire and own all property incident to such business."

The bill was read second time.

Mr. Purl offered the following amendment to the bill:

Amend House bill No. 180 by adding after the word "business" in line 25 the following, "nothing in this act shall be construed as legalizing corporations to write insurance as agents."

The amendment was adopted.

House bill No. 180 was then passed to engrossment.

HOUSE BILL NO. 276 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 276, A bill to be entitled "An Act to provide for the payment of actual and necessary expenses of official and deputy official shorthand reporters while actually engaged, and the manner of payment of such expenses by the several counties of the judicial districts; and declaring an emergency."

The bill was read second time.

On motion of Mr. Sinks, by unanimous consent, further consideration of the bill was postponed until next Tuesday.

HOUSE BILL NO. 247 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 247, A bill to be entitled "An Act making it a felony for any

sheriff, constable, deputy constable, deputy sheriff, justice of the peace, chief of police, policeman or other peace officer to demand, receive or collect the whole or any part of the fine or costs in any misdemeanor case until after the affidavit or information has been filed and judgment of conviction rendered in such case, and prescribing the punishment therefor."

The bill was read second time, and further consideration of the bill was postponed until next Tuesday.

HOUSE BILL NO. 195 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 195, A bill to be entitled "An Act providing that all sales of real estate for the collection of delinquent taxes due thereon shall be made only after foreclosure of tax liens securing same in accordance with existing laws governing delinquent tax foreclosure suits."

The bill was read second time, and by unanimous consent further consideration of the bill was postponed until next Tuesday.

BILL ORDERED NOT PRINTED.

On motion of Mr. Land, House bill No. 523 was ordered not printed.

ADDRESS BY MEMBERS OF COMMITTEE TO SETTLE TEXAS-OKLAHOMA BOUNDARY QUESTION.

In accordance with a resolution heretofore adopted providing for a joint session to hear an address by members of the committee from Oklahoma Legislature appointed to confer with a committee from Texas Legislature to settle the Texas-Oklahoma boundary dispute, the honorable Senate, accompanied by Governor Moody and the committee from the Oklahoma Senate, appeared at the bar of the House and, being duly announced, were escorted to seats prepared for them along the aisle.

Hon. Dan Moody, Lieutenant Governor Barry Miller and the honorable members of the committee from Oklahoma occupied seats on the Speaker's stand.

Speaker Barron presented Lieutenant Governor Barry Miller, who introduced Mr. Crow, Assistant Attorney General of the State of Oklahoma.

Mr. Crow then addressed the House on the pending boundary matter.

Lieutenant Governor Barry Miller then presented Senator Moore of Oklahoma, who in turn addressed the House.

The Senate then retired to its Chamber.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 2, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 128, A bill to be entitled "An Act relating to the duties of the county board of trustees of public schools in this State in all counties having an area of not more than one thousand seventy-five (1075) square miles and not less than nine hundred thirty (930) square miles, and a population of not less than thirty-four thousand three hundred (34,300), and not more than thirty-four thousand five hundred (34,500) according to the 1920 Federal census, authorizing them to condemn land for school purposes, to subdivide their respective counties into convenient school districts, to increase or reduce the area of independent and common school districts, create additional districts, consolidate two or more adjacent districts, subdivide said districts, revise or rearrange the boundaries of any district, attach territory thereto or detach territory therefrom and to adjust the district properties and bonded indebtedness against such districts and detached or added territory upon a just and equitable basis, providing a method of apportioning school funds to the respective districts and providing for the election of the county board of school trustees; providing other matters and things necessary and incidental to the main purpose and subject of this act, whether mentioned in detail in this caption or not; and repealing all laws, general or special, in conflict therewith; and declaring an emergency," with engrossed rider.

Respectfully,

MORRIS C. HANKINS,
Assistant Secretary of the Senate.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 127, to the Committee on Public Health.

Senate bill No. 141, to the Committee on Privileges, Suffrage and Elections.

Senate bill No. 146, to the Committee on State Affairs.

Senate bill No. 173, to the Committee on Municipal and Private Corporations.

Senate bill No. 175, to the Committee on Criminal Jurisprudence.

Senate bill No. 179, to the Committee on Privileges, Suffrage and Elections.

Senate bill No. 215, to the Committee on Criminal Jurisprudence.

Senate bill No. 285, to the Committee on Public Health.

Senate bill No. 297, to the Committee on Insurance.

Senate bill No. 370, to the Judiciary Committee.

Senate bill No. 125, to the Committee on State Affairs.

Senate bill No. 65, to the Judiciary Committee.

Senate bill No. 137, to the Committee on Criminal Jurisprudence.

Senate bill No. 128, to the Committee on Education.

COMMUNICATION FROM ATTORNEY GENERAL IN REGARD TO SUB-COMMITTEE.

The following communication was ordered printed in the Journal:

February 2, 1929.

Hon. Cecil Storey, House of Representatives, Austin, Texas.

Dear Mr. Storey: I acknowledge receipt of your letter of January 30th, in which you, as chairman of the sub-committee on Privileges, Suffrage and Elections, submit to this department an inquiry as to the powers of such sub-committee. You state that the Committee on Privileges, Suffrage and Elections is composed of twenty-one members and has before it a contest involving a seat in the House from Hidalgo county, and that such committee has appointed a sub-committee composed of seven members to go to Hidalgo county and hear and take evidence in the contest.

You inquire as to whether or not the committee, or even the House of Representatives, has the authority to delegate such power and authority to such sub-committee.

Article 3, Section 8, of the Constitution, provides that each house shall be the judge of the qualifications and election of its own members, "but contested elections shall be determined in such manner as shall be provided by law."

It is a general rule that the States, in creating offices, have the right to provide such agencies and mode of procedure as they deem fit to determine the result of the election to such offices without the intervention or interference by the courts. So that a constitutional provision that each house of the Legislature shall be the judge of the election returns and qualifications of its own members is an exclusive grant of power and constitutes each house the sole and ultimate tribunal to pass upon the election and qualifications of its own members. Under the general control which the Legislature has over the procedure incident to ascertaining the result of elections, it is competent for that branch of the government to provide by statute for special means of determining contests, and it is acting within its constitutional rights where it creates a special tribunal for the settlement of such disputes. The power to determine the qualifications and election of its own members, coupled with the further power in the same section of the Constitution that contests shall be determined in such manner as may be provided by law, brings into force when a law has been passed governing such contests the further rule of law that the statutory method must be pursued strictly and that the contest can be determined in no other way.

This statutory method is contained in Articles 3059 to 3065, both inclusive, of the Revised Statutes, 1925. I assume from your communication that all proper procedure has been followed by the contestant up to the point of trying the contest before the Committee on Privileges and Elections. The law as to this trial is that said "committee" shall proceed without delay to fix "a time" for the hearing of said case, and after due notice to the parties shall investigate the issues, hearing all legal evidence that may be presented "to said committee," and shall as soon thereafter as practicable report their conclusions of law and fact to the House, accompanied by all the papers in the cause, and the evidence taken therein with such recommendations as may to them seem proper. It is the evident purpose of this statute, as clearly expressed therein, that the hearing of this contest must be before the Committee on Privileges and Elections at the seat of government, because it is given only the power to fix "a time" for the hearing and notify the parties. It is my opinion that this committee would have no authority to hold any hearing of such a

contest at any other place than the seat of government. The purpose of the law is to bring about a speedy hearing of the contest before the duly constituted body which is the only authority authorized to hear it.

In Article 3064, the committee is given power to send for persons and papers, and the "chairman" of said committee is given power to issue process necessary to secure the attendance of witnesses, the production of papers, ballot boxes and other documents "before said committee." It is further provided that such process shall be executed by the Sergeant-at-Arms of the house in which the contest is pending, or by such other person as the "presiding officer of said house" may designate. There is nothing in this law that would indicate any intent that a contest for a seat in the House should be heard at any other place than at the seat of the government, or before any other tribunal than the Committee on Privileges and Elections. This is evident from the fact that the chairman of said committee is the only person authorized to issue process for witnesses, and the Sergeant-at-Arms of the house in which the contest is pending is the only person authorized to execute such process unless some other officer is designated by the presiding officer of said house. It is a general rule of law in relation to the powers of legislative committees that where an authority is granted to a particular committee which is personal in its nature, such authority cannot be delegated even to one or more members of said committee. (R. C. L., Vol. 25, paragraph 16.)

As stated by the court in the case of *Stroughton vs. Baker* (4 Mass. 522; 3 Amer. Decis. 242):

"The authority given to the committee is by the terms of resolve to be exercised by them or a major part of them. The exercise of this authority is personal and cannot be delegated. If it could be delegated, it might be delegated to any other man as well as one of the committee."

The committee involved in the decision to which I have referred was one appointed under a resolution of the House, but the rule announced would be applied with stronger force to a regular committee of the house which has imposed upon it particular and specific functions, and especially should it apply to the Committee on Privileges and Elections, which is, in a measure, the court instituted by the law under the authority of the Constitution for

passing upon the right of a citizen to be a member of the house of which the committee is a part. As a general rule, committees have those powers only, and only those which are conferred upon them by the Legislature, and regardless of what other matters may be submitted to the Committee on Privileges and Elections, it, under the statute, has imposed upon it a specific obligation in the matter of passing upon the election and qualifications of the members of the house. Under this statute, any sub-committee which might undertake to act would have no authority to send for persons and papers, would have no authority to issue process necessary to secure the attendance of witnesses, production of papers, ballot boxes, etc., and would have no authority to appoint any officer to execute such process because the statute definitely fixes these powers and prescribes the officers who shall execute them.

Election contests were unknown to the common law and are of purely statutory origin and regulation. Being special statutory proceedings, a strict compliance with the law authorizing them is necessary, because they are governed in all particulars by the statutes applicable thereto. They are not civil suits, and each and every provision of the statute as to the mode and manner of the contest and the grounds upon which it may be maintained must be complied with, and all proceedings must be according to the statutory provisions authorizing them. They are political proceedings, and the fact that a judicial tribunal has been provided to hear and determine them does not render them less political.

These principles of law are established by almost universal authority throughout the country, and the following are a few only of the cases which clearly announce these principles, namely:

Turner vs. Allen, 254 S. W. 630.
 McCall vs. Lewis, 253 S. W. 325.
 Bassell vs. Shanklin, 183 S. W. 105.
 Fowler vs. Thomas, 275 S. W. 253.
 Robinson vs. Wingate, 80 S. W. 1070.
 Wright vs. Fawcett, 42 Texas 206.
 Rogers vs. Johnson, 42 Texas 340.
 Norman vs. Thompson, 96 Texas 250.
 Brown vs. Vails, 27 Pac. 945.
 McCell vs. Tombstone, 185 Pac. 942.

Applying the principles above announced to the inquiry submitted, you are advised that the law having fixed the tribunal which should try election contests for seats in the House of Repre-

sentatives and prescribed the place at which, and the mode and manner in which such trials should be conducted, and having conferred this jurisdiction upon a Committee on Privileges and Elections, and upon it only, this committee has no authority to delegate to a sub-committee its jurisdiction or power, or any part thereof; nor would the House of Representatives have the authority to change in any manner the tribunal before which the contest should be tried, nor the method and manner in which the trial should be conducted. The jurisdiction and the power is given to the committee, and to it only. Therefore, a sub-committee, if it should go to Hidalgo county, would have no authority to issue any process for the attendance of witnesses, or to send for persons or papers, or ballot boxes, or any other documents, or to appoint any person to execute any process it might undertake to issue. In fact, it would be powerless in carrying out the express purposes of the law in the way and manner in which the statute prescribes they shall be executed.

In reaching the above conclusion, I have given careful consideration to the authorities presented to me by attorneys for the contestants, and the one upon which most reliance is had is that of Reed vs. County Commissioners of Delaware County, Pennsylvania, reported 21st Fed. Rep. (2nd series), page 144, being an opinion of a United States district judge in equity, which was affirmed by the Circuit Court of Appeals and decision reported in the same volume at page 1018. In this opinion there was involved a provision of the Constitution of the United States, Article 1, Section 5, that "each house shall be the judge of the elections, returns and qualifications of its own members." This provision of the Constitution is not followed by the clause which is contained in ours, giving each house the power to judge the qualifications and election of its own members that "contested elections shall be determined in such manner as shall be provided by law." Our Constitution in the same section which makes the house the judge of the qualifications and election of its own members contains the exception to the general rule that might otherwise prevail to the effect that contested elections shall be determined in such manner as shall be provided by law. If the latter provision were not a part of our Constitution, and each house were given the unlimited power to judge the qualifications and elections of its own mem-

bers, together with the additional power contained in Section 11 of the same article of the Constitution that it "may determine the rules of its own proceedings," a different question would be presented. Under such a situation the house would have the authority to designate a committee to hear the contest and probably authorize such committee to sit at such times and places as in its judgment might be found necessary or desired. In this connection, attention is called to the fact that the Federal statute regulating contested elections of any member of the House of Representatives expressly provides in Section 205, Title 2, Volume 44, Part 1, United States Statutes at Large, that "testimony in contested election cases may be taken at two or more places at the same time" and the entire purpose of the act regulating it is to give full and complete power to the committee to which such a contest is referred to sit at any time and place which it may deem advisable.

Our Constitution does not leave the matter in doubt as to how contested elections shall be tried, and the provision of it which gives each house the power to judge the qualifications and election of its members must be construed in connection with and limited by its other provision that contested elections shall be determined as provided by law. A law having been passed under this authority and mandate of the Constitution, all contested elections must be governed strictly by its terms.

Yours very truly,

(Signed) CLAUDE POLLARD.

ADJOURNMENT.

On motion of Mr. Woodall, the House, at 3:45 o'clock p. m., adjourned until 10 o'clock a. m. next Monday.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills, as follows:

Criminal Jurisprudence: House bills Nos. 465, 410, 261, 530, 107, 124 and 147; Senate bills Nos. 51, 36 and 34.

Public Health: House bill No. 450.

Common Carriers: House bills Nos. 389 and 286.

Agriculture: House bills Nos. 522, 456 and 116.

Judiciary: House bills Nos. 346, 552, 415 and 416; Senate bills Nos. 74, 29, 13 and 356.

Game and Fisheries: House bills Nos. 232, 542 and 563.

The following committees have today filed adverse reports on bills, as follows:

Criminal Jurisprudence: House bills Nos. 171, 269, 67, 330 and 147.

Public Health: House bills Nos. 29 and 531; Senate bill No. 181.

Judicial Districts: Senate bill No. 28.

NINETEENTH DAY.

(Monday, February 4, 1929.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Hines.
Ackerman.	Hogg.
Adkins.	Hopkins.
Albritton.	Hubbard.
Anderson.	Jenkins.
Avis.	Johnson
Baker.	of Dimmit.
Baldwin.	Johnson of Smith.
Barnett.	Johnson of Scurry.
Bateman.	Keeton.
Bond.	Keller.
Bounds.	Kemble.
Bradley.	Kennedy.
Brice.	Kenyon.
Brooks.	Kincaid.
Carpenter.	King.
Chastain.	Kinnear.
Coltrin.	Land.
Conway.	Lemens.
Cox of Navarro.	Long of Houston.
Cox of Lamar.	Long of Wichita.
Cox of Limestone.	Loy.
Davis.	Mankin.
Dunlap.	Martin.
Enderby.	Mauritz.
Ewing.	Maynard.
Eickenroht.	McCombs.
Forbes.	McDonald.
Gates.	McGill.
Gerron.	Mehl.
Gilbert.	Metcalfe.
Giles.	Minor.
Graves	Montgomery.
of Williamson.	Moore.
Graves of Erath.	Morse.
Harding.	Mosely.
Harman.	Mullally.
Harper.	Murphy.
Harrison.	Negley.
Hefley.	Nicholson.